

REMARKS

This Amendment is filed in response to the non-final Office Action dated May 6, 2011, directed to pending claims 1-21 and 28-52 of which claims 1, 16, 28 and 45 are independent. Applicant has amended the independent claims to overcome the cited prior art. Accordingly, all pending claims are now in condition for allowance.

In the current Office Action, the Examiner has rejected pending claims 1,2, 4-12, 15-21, 28, 29, 31-41 and 44-52 on combinations of either: Gitlin et al. (US 6,018,528), in view of Yano et al. (US 6,563,806) in further view of Ishii et al. (US 6,977,913) or Gitlin in view of Yano in view of Ishii and further in view of Krishnamoorthy et al. (US 2002/0051424). All pending independent claims stand rejected over the combination of Gitlin, Yano and Ishii. The Examiner has objected to claims 3, 13 , 14, 30 , 42 and 43 but would consider them allowable if rewritten to include the limitations of the base claims and any intervening claims.

The Examiner has also rejected the pending claims under 35 USC 112, first paragraph. The drawings are also rejected.

In response, Applicant has amended all the pending independent claims to clarify the claimed storage section and second allocation section, which is distinguishable from the first allocation section. In addition, Applicant has amended many of the independent claims to address certain paragraph 112 rejections made by the Examiner and to harmonize the language of the dependent claims with the language of the independent claims as amended. By way of example, Applicant has amended independent claim 1 to recite “a storage section for storing allocation information, wherein the storage section sets and stores a first allocation information region for the single-carrier wireless communication terminal and a second allocation information region for the multi-carrier wireless communication terminal.” Nowhere in the cited

prior art is there disclosed a storage section that sets and stores allocation information (as that term is used in the claims and Applicant's specification) for both single- and multi-carrier wireless terminals. Independent claims 16, 28 and 45 similarly recite a storage section.

Moreover, as Applicant has previously explained, and as made clearer by the current amendments, none of the cited prior art discloses a second allocation section. For example, claim 1 now recites "a second allocation section for allocating allocation information of the single-carrier set in the first allocation information region for at least one of said single-carrier wireless communication terminal and for allocating allocation information of the multi-carrier set in the second allocation information region for at least one of said multi-carrier wireless communication terminal based on the availability of said allocation information." All independent claims now recite a similar second allocation section. As explained in more detail below, an exemplary second allocation section is disclosed in Applicant's specification in Figs. 5 and 7 and the related disclosure.

With respect to the previously pending claims, the Examiner acknowledged that Yano and Gitlin failed to disclose a second allocation section as then claimed. Applicant submits that this continues to be true for the independent claims as amended. Having acknowledged that Gitlin and Yano are inadequate to invalidate the claims, the Examiner relies on the teaching of Ishii to fill the gaps in Gitlin and Yano. However, as the Examiner acknowledges Ishii is cited for the broad proposition of "channel assignment in which a channel registration section in which the correspondence between address and channels are registered." Office Action at 7. Even if Applicant accepts that characterization of Ishii, Ishii, alone or in combination with Gitlin or Yano, fails to disclose or suggest a second allocation section for allocating allocation information of the single-carrier set in the first allocation information region for at least one of said single-

carrier wireless communication terminal and for allocating allocation information of the multi-carrier set in the second allocation information region for at least one of said multi-carrier wireless communication terminal as recited in claim 1, for example. Thus, the combination of the cited prior art does render any of the pending claims obvious.

For the foregoing reasons, Applicant respectfully submits pending claims 1-21 and 28-52 are allowable over the prior art of record and that the application is in condition for allowance.

Rejection Based on 35 USC § 112, First Paragraph

The Examiner has rejected all the pending claims as failing to comply with the written description requirement. The Examiner asserts that the Applicant's specification does not describe a first allocation section and a second allocation section as now recited in all pending claims. However, the Examiner is incorrect. The specification clearly describes multiple allocation sections. For example, Figs. 4 and 5 and the related disclosure of Applicant's published application describe in great detail that the base station 20 (e.g., control unit 27) allocates either one or plural carriers which are used to communicate with the mobile station 10. See, e.g., US 2004/0029579 A1 at [0071] - [0072] ("base station 20 judges as to whether the mobile station 10 corresponds to a singly-carrier terminal, or a multi-carrier terminal (process 502)... In the process 503, the base station 20 executes such an allocation that all of these three carriers are used with respect to the mobile station 10 corresponding to the multi-carrier terminal.") Accordingly, Applicant's specification describes in sufficient detail to one of ordinary skill in the art and beyond an exemplary first allocation section.

Similarly, Figs. 6 and 7, describe an exemplary second allocation section. Applicant's published application explains "the base station 20 transmits an MAC index-

allocation-mobile-station-information requesting message to the mobile station 10, by which the base station 20 requires such an information ... which is needed when a MAC index is allocated.” US 2004/0029579 A1 at [0077]. Applicant’s published application further explains that “the control unit 27 controls the wireless units 24 to 26 [which uses different carriers], and also, while the control unit 27 allocates MAC indexes ... and stores the MAC indexes into the storage unit 28, this control unit manages the mobile station 10.” US 2004/0029579 A1 at par. [0051]. Accordingly, the Applicant’s published application clearly describes at least a first allocation section and a second allocation section. Still other allocation processes are disclosed in Applicant’s published application.

For the foregoing reasons, Applicant respectfully submits that the Examiner’s objections under 35 USC 112, first paragraph have been overcome.

Objection to the Drawings

The Examiner has rejected the drawings for failing to disclose the first and second allocation sections. As explained above, the first and second allocation sections are fully disclosed in the specification and generally relate to the allocation of the carriers and the allocation information (e.g., MAC indexes), respectively. In addition, Figs. 4 and 5 of Applicant’s published application show the first allocation section (e.g., step 408 “execute carrier allocation algorithm for mobile station”) and Figs. 6 and 7 shows the second allocation section (e.g., step 606 “execute MAC index allocation algorithm to mobile station.”). For the foregoing reasons, Applicant respectfully submits that the Examiner’s objections to the drawings have been overcome and no amendments to the drawings are necessary.

The Examiner is urged to telephone Applicant’s undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion

to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0053.

Respectfully submitted,

Date: August 8, 2011

A handwritten signature in black ink, appearing to read "John C. Garces", written over a horizontal line.

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